

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

April 7, 2015

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Mensinger, Mayor Pro Tem Righeimer (Arrived 5:06 p.m.) Council Member Foley, Council Member Genis, and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:05 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).

The City Council reconvened at 5:45 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 5:45 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:13)

PLEDGE OF ALLEGIANCE (00:00:23) – Council Member Monahan

MOMENT OF SOLEMN EXPRESSION (00:00:58)

Reverend Father Moushegh Tashjian, St. Mary Armenian Church

ROLL CALL (00:05:12)

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Yolanda Summerhill, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:05:22) – NONE

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

ANNOUNCEMENTS (00:05:29)

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:08:49)

Mayor Mensinger presented the Mayor's Award to Jeff Chon of The Wayfarer.

PUBLIC COMMENTS (00:15:54)

Chuck Perry, Costa Mesa, spoke on requesting benches on Harbor Blvd. (00:16:43)

Susan Shaw, Costa Mesa, spoke on a Public Records Request on lighted fields and field usage. (00:18:07)

Mrs. Drain, Costa Mesa, spoke on 60th anniversary expenses; requested an independent forensic audit; and requests her questions be posted on the website. (00:20:13)

Gloria Estefan, Costa Mesa, spoke on a public records request for a meeting held on October 23, 2014; and crime mapping. (00:24:07)

Suzi Iwamoto, Costa Mesa, spoke on a Mesa Arts District; ZA-15-04; and visioning statement. (00:27:07)

Stephen Chan, Costa Mesa, thanked City Council for their efforts regarding Casa; and requested enforcement and a boycott for Casa, Maison, and Vestal Village. (00:30:33)

Jay Humphrey, Costa Mesa, spoke on an award to the Mayor from the Building Industry; spoke on police staffing levels; and new hires. (00:33:46)

Ann Parker, Costa Mesa, spoke regarding Roland Berrera; the Casa bar; and sober living homes. (00:36:09)

Beth Rafakes, Costa Mesa, spoke on the Military Affairs Team; and the Easter Egg Hunt. (00:38:45)

Lisa Salisbury, Costa Mesa, spoke on revitalizing business in Costa Mesa; and in support of businesses Casa and Maison. (00:43:00)

Tom Pollitt, Costa Mesa, spoke on organizing the Costa Mesa Tea Party; and the Police Association negotiations; and the economy. (00:44:48)

Barrie Fisher, Costa Mesa, spoke on closing off cul de sacs at Victoria Ave. (00:47:48)

Jim Kerihis, Costa Mesa, spoke on developments; design standards; and zoning. (00:50:56)

Greg Ridge, Costa Mesa, spoke on Fairview Park; and the vernal pools location. (00:53:58)

Tamar Goldmann, Costa Mesa, spoke on the increase in Public Records Requests. (00:56:34)

Cindy B, Costa Mesa, spoke on Aliso Viejo police staffing levels. (00:59:42)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:00:20)

Council Member Monahan spoke on the 60th anniversary event; Roland Berrera; and the Casa business. (01:00:24)

Mayor Pro Tem Righeimer spoke on closing the cul de sac; development on the Christian Science property; library expansion project meeting; and Cal Trans I-405 toll lanes and the EIR released. (01:04:39)

Mayor Mensinger spoke on the closure of the cul-de-sac at Victoria Ave; and requested an update for the Police Department Reserve program. (01:14:23)

Council Member Foley congratulated Estancia High School and TeWinkle Foundation on the 50th Anniversary Gala and the Sonora Elementary fundraiser; Harper School request to paint red curbs; requested 60th Anniversary question and answers be posted on City website; request a written report on options for a forensic audit and estimated cost; library expansion meeting notices send to School District for distribution; requested police presence at the cul-de-sacs at Victoria Ave; and application for High School Signature Academies deadline April 15. (01:16:17)

Council Member Genis congratulated Orange College speech and debate team; spoke regarding burlesque performances at Casa; consideration of 60th anniversary forensic audit; spoke on the Fairview Development issue and opportunities; and land acquisitions for parkland. (01:23:27)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:28:23) - NONE

CONSENT CALENDAR (01:12:45)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for Items 7, 8 and 9.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: None

Motions carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council waived reading in full of Ordinances and Resolutions and approved and adopted of same by reading title only

2. **READING FOLDER**

- a. Claims received by the City Clerk: Dario Aguirre, Jeff Arthur, Chase Johnson and Leigh White.

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2533 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-05 "A" FOR (\$0.00); 15-06 FOR \$2,075,723.79; 15-06 "A" FOR \$2,227.24; AND 15-07 FOR \$2,110,814.00; AND CITY OPERATING EXPENSES FOR \$3,459,064.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2533, to be read by the title only, and waived further reading.

4. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2015 CONCERTS IN THE PARK SERIES**

ACTION:

City Council approved the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2015 Summer Concerts in the Park series. City Council granted administrative authority to the CEO to annually authorize such request. The CEO will notify council via memo of said requests and approvals.

5. **MINUTES**

(A) MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer
The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger.

Nays: None

Absent: None

Abstain: Council Member Foley (Not a Council Member at those meetings)

Motion carried: 4-1

ACTION:

City Council approved the minutes of the Special Joint Study Session Meeting of the City Council, Planning Commission and Parks and Recreation Commission for October 20, 2011; minutes of the Closed Session Meetings of the City Council for November 8, 2011 and June 10, 2014; minutes of the Joint Housing Authority, City Council and the City Council acting as the Successor Agency for June 12, 2012; minutes of the Adjourned Meeting/Special Study Session of May 28, 2013; minutes of the Special City Council meeting of June 10, 2014; and the minutes of the City Council Study Session for February 11, 2014.

(B) MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer
The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger.

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

ACTION:

City Council approved the minutes of the Closed Session Meetings of the City Council for January 13, 2015, March 24, 2015 (9:00 a.m.) and March 24, 2015 (5:00 p.m.); minutes of the City Council Study Session for March 10, 2015; minutes of the Adjourned Regular City Council Meeting of December 16, 2014; and minutes of the Regular City Council and Successor Agency meeting of March 17, 2015.

6. 2014 ANNUAL REVIEW OF THE COSTA MESA GENERAL PLAN

ACTION:

City Council approved the 2014 Annual Report of the Costa Mesa General Plan.

10. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2015 REGIONAL CONFERENCE AND GENERAL ASSEMBLY

ACTION:

City Council designated Council Member Genis as the delegate for the upcoming Annual SCAG Regional Conference and General Assembly.

----- **END OF CONSENT CALENDAR** -----

PUBLIC HEARINGS – 7:00 P.M. (Resolution No. 05-55) – None

OLD BUSINESS: (01:29:58)

1. SECOND READING OF ORDINANCE 15-03 FOR CODE AMENDMENT CO-15-01 RELATED TO SMALL LOT ORDINANCE

Public Comments:

Jay Humphrey, Costa Mesa, spoke on parking requirements; and parking problems. (01:31:12)

Tamar Goldmann, Costa Mesa, spoke on parking requirements; and parking problems. (01:32:21)

Ann Parker, Costa Mesa, spoke on small lot developments; and parking problems. (01:34:37)

Council Member Foley spoke in opposition of the Ordinance; parking requirements are insufficient; and is opposed to the minimum distances between the buildings and side yards. (01:35:43)

Mayor Mensinger spoke on small lot developments; parking requirements; and utilizing garages for parking. (01:37:33)

Council Member Genis spoke on guest parking; no garage guest parking; and first reading modification. (01:39:41)

Discussion ensued that the following verbiage will be removed from proposed Ordinance No. 15-03, "Required open parking may be provided in a two-car or three-car garage provided that a minimum of one open parking space is provided per unit."

Yolanda Summerhill, City Attorney, stated that a first reading and a second reading will need to occur in order to update wording in the Small Lot Ordinance. (01:41:07)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger.

Nays: Council Member Foley, and Council Member Genis

Absent: None

Abstain: None

Motion carried: 3-2

ACTION:

1. City Council gave the first reading of Ordinance 15-03, to be read by title only and waived further reading, amending Title 13, Chapter V, Article 2.5, Residential Small Lot Subdivision, of the Costa Mesa Municipal Code; and
2. City Council amended the Parking Standards in Table 13-42 of the proposed Ordinance No. 15-03, removing "Required open parking may be provided in a two-car or three-car garage provided that a minimum of one open parking space is provided per unit," and that the item return for a second reading.

NEW BUSINESS: (01:42:57)

1. APPOINTMENTS TO VARIOUS COMMITTEES AND THE SENIOR COMMISSION

City Clerk, Brenda Green, provided the Staff Report. (01:43:05)

Public Comments:

Jim Kerichs, Costa Mesa, introduced himself; and spoke on his application to the Bikeway and Walkability Committee. (01:47:21)

Gloria Estefan, Costa Mesa, spoke on voting for new people on the committees.
(01:47:42)

SENIOR COMMISSION (01:48:17)

MOTION: Appoint Ann Perry

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried: 4-1:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: Council Member Foley

Absent: None

MOTION: Appoint Wendy Leece

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: Appoint Sue Healey

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried: 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

ACTION:

1. City Council appointed and filled two additional regular member positions on the Senior Commission: Ann Perry to a 4 year term; and Sue Healey to a 2 year term.

ACCESS, BUILDING, FIRE AND HOUSING BOARD OF APPEAL (01:51:07)

MOTION: Appoint Jacob Batista, Gilbert Figueroa, Bill L. Mason, Tariq Shamma, and Larry Weichman

Motion/Second: Mayor Pro Tem Righeimer/Council Member Foley

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Jim Fitzpatrick – Alternate
Motion/Second: Council Member Monahan/Mayor Mensinger
The motion carried: 3-2:
Ayes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: Council Member Foley, and Council Member Genis,
Absent: None

MOTION: Appoint Josue Castaneda – Alternate
Motion/Second: Mayor Mensinger/Council Member Genis
The motion carried 5-0:
Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: None
Absent: None

ACTION:

2. City Council appointed and filled five regular member vacancies and two alternate member vacancies on the Access, Building, Fire and Housing Board of Appeal: Jacob Batista, Gilbert Figueroa, Bill L. Mason, Tariq Shamma, and Larry Weichman to a 4 year term (2015 –2019); and Josue Castaneda, and Jim Fitzpatrick as alternate members.

CULTURAL ARTS COMMITTEE (01:53:37)

MOTION: Appoint Kathleen Eric, Lisa Grant, Frank Gutierrez, Andrea Marr, Monica Morita, Tracy Taber, and Chrystal A. Swope; alternate members - Rocky Evans and Jason Komala; and Stacie Wendland as a School Representative.
Motion/Second: Council Member Foley/Mayor Pro Tem Righeimer
The motion carried 5-0:
Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: None
Absent: None

ACTION:

3. City Council appointed and filled seven regular member vacancies and two alternate member vacancies on the Cultural Arts Committee: Kathleen Eric, Lisa Grant, Frank Gutierrez, Monica Morita; Andrea Marr, and Tracy Taber to a two year term (2015 – 2017); and Chrystal A. Swope to a one year term (2015 – 2016); and alternate members: Rocky Evans to a two year term (2015 – 2017) and Jason Komala to a one year term (2015 – 2016); and Stacie Wendland as a Representative from the School District.

HISTORICAL PRESERVATION COMMITTEE (01:55:02)

MOTION: Appoint Dave Gardner, Karen McKenna-Juergens, John McQueen, and Gary Parkin; and alternate member - Matthew Fletcher.

Motion/Second: Council Member Genis/Council Member Foley

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

ACTION:

4. City Council appointed and filled four regular member vacancies and one alternate member vacancy on the Historical Preservation Committee: Dave Gardner, Karen McKenna-Juergens, John McQueen, and Gary Parkin to a term of April 2015 – April 2017; and Matthew Fletcher as an alternate member to a term of April 2015 – April 2016.

HOUSING AND PUBLIC SERVICE GRANT COMMITTEE (01:55:32)

MOTION: Appoint Tony Capitelli, Denise Rochelle Dew-Bennett, Christian Eric, Jeff R. Mathews, Yvonne Rowden, and Eric Vu

Motion/Second: Mayor Mensinger/Mayor Pro Tem Righeimer

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

ACTION:

5. City Council appointed and filled six regular member vacancies on the Housing and Public Service Grant Committee: Tony Capitelli, Denise Rochelle Dew-Bennett, Christian Eric, Jeff R. Mathews, Yvonne Rowden, and Eric Vu to a term of April 2015 – April 2017.

PENSION OVERSIGHT COMMITTEE (01:56:03)

MOTION: Appoint Jeff Arthur, James H. Bridges, Robert Juneman, Al Melone, Gary Parkin, Tim Sesler, Ralph Taboada, and George Turner; re-advertise for one vacancy on the Pension Oversight Committee; and conduct meetings once per month.

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried 4-1:

Ayes: Council Member Foley, Council Member Genis, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: Council Member Monahan

Absent: None

MOTION: Re-advertise Pension Oversight Committee Appointments

Motion/Second: Council Member Monahan/

Motion failed for the lack of a second.

ACTION:

6. City Council appointed and filled eight regular member vacancies on the Pension Oversight Committee: Jeff Arthur, James H. Bridges, Robert Juneman, Al Melone, Gary Parkin, Tim Sesler, Ralph Taboada, and George Turner to a term of April 2015 – April 2017; re-advertise for one vacancy on the Pension Oversight Committee; and conduct meetings once per month.

TRAFFIC IMPACT FEE AD HOC COMMITTEE (02:01:57)

MOTION: Appoint Walt Davenport, George Sakioka, and Kerry Smith

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Cynthia McDonald

Motion/Second: Council Member Foley/Council Member Genis

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: To re-advertise for one vacancy for one at-large representative on the Traffic Impact Fee AD HOC Committee.

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried 3-0:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

Abstain: Council Member Foley, and Council Member Genis

Discussion ensued on qualifications and job description for the Traffic Impact Fee AD HOC Committee. (02:02:55)

ACTION:

7. City Council appointed and filled three regular member vacancies: Walt Davenport - at-large representative, George Sakioka - major developers' representative, and Kerry Smith - small developers' representative, on the Traffic Impact Fee Ad Hoc Committee: Walt Davenport, George Sakioka, and Kerry Smith to a term of April 2015 – April 2019; and re- advertise for one vacancy for one at-large representative on the Traffic Impact Fee AD HOC Committee.

City Council recessed for a break at 7:55 p.m.

City Council reconvened the meeting at 8:00 p.m.

BIKEWAY AND WALKABILITY COMMITTEE (02:14:00)

MOTION: Appoint Leah Ersoylu

Motion/Second: Mayor Pro Tem Righeimer/Council Member Genis

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Flo Martin

Motion/Second: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Jim Erickson

Motion/Second: Council Member Foley/Council Member Genis

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Jim Kerins

Motion/Second: Council Member Genis/Council Member Monahan

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Tony Capitelli

Motion/Second: Mayor Mensinger/Council Member Genis

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint James Kane

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Richard J. Huffman, II

Motion/Second: Council Member Monahan/Council Member Foley

The motion carried 4-1:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, and Mayor Pro Tem Righeimer

Noes: Mayor Mensinger

Absent: None

MOTION: Appoint Cynthia McDonald

Motion/Second: Council Member Foley/Council Member Genis

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: Appoint John C. Merrill

Motion/Second: Council Member Genis/Mayor Pro Tem Righeimer

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Donna Check

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Ralph Taboada

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Brent Stoll

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried 4-1:

Ayes: Council Member Foley, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: Council Member Genis

Absent: None

MOTION: Appoint Andrea Marr

Motion/Second: Council Member Foley/Council Member Genis

The motion carried 3-2:

Ayes: Council Member Foley, Council Member Genis, and Council Member Monahan

Noes: Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: Appoint Jim Drain

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: Appoint Max Poling

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried 4-1:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: Council Member Foley

Absent: None

MOTION: Appoint Kathleen Brown

Motion/Second: Mayor Mensinger/Mayor Pro Tem Righeimer

The motion carried 5-0:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: None

Absent: None

MOTION: Appoint Michael M.S. Chun

Motion/Second: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried 4-1:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Noes: Council Member Foley

Absent: None

ACTION:

8. City Council appointed and filled fifteen regular member vacancies on the Bikeway and Walkability Committee: Kathleen Brown, Tony Capitelli, Donna Check, Michael M.S. Chun, Jim Erickson, Leah Ersoylu, Richard J. Huffman, II, James Kane, Jim Kerins, Andrea Marr, Flo Martin, John C. Merrill, Max Poling, Brent Stoll, and Ralph Taboada to a 2 year term.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:24:37)

7. BUDGET ADDENDUM TO ENGAGEMENT OF LEGAL SERVICES LETTER WITH MEYERS, NAVE, RIBACK, SILVER & WILSON AS SPECIAL LEGAL COUNSEL ON FAIRVIEW PARK

Mayor Mensinger recused himself due to a potential conflict and per the advice of legal counsel. (02:24:41)

Public Comments:

Susan Shaw, Costa Mesa, spoke on legal parameters. (02:27:20)

Teresa Drain, Costa Mesa, requested an update of the meeting with U.S. Fish and Wildlife Services. (02:28:25)

Jay Humphrey, Costa Mesa, spoke on attorney services; attorney's participation at meetings; and not changing Fairview Park. (02:28:51)

Greg Ridge, Costa Mesa, spoke on the U.S. Department of Fish and Wildlife letter; vernal pools protection; taxpayer's expenditures and the decomposed granite path. (02:31:01)

Cindy B, Costa Mesa, requested an update from the U.S. Fish and Wildlife on the decomposed granite path. (02:34:15)

Cindy Black, Costa Mesa, spoke on the DG path; communications with Mayor Mensinger; and presented a slide presentation, which a copy will be kept on file in the City Clerk's Office. (02:34:43)

Discussion ensued on U.S. Department of Fish and Wildlife and U.S. Attorney's Office investigation and the decomposed granite path; the vernal pools; adopted procedures; and proper laws. (02:38:01)

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, and Mayor Pro Tem Righeimer.

Nays: None

Absent: None

Abstain: Mayor Mensinger (Potential conflict and per the advice of legal counsel)

Motion carried: 4-0

ACTION:

City Council authorized the Mayor to execute a Budget Addendum, dated March 31, 2015, to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") for special counsel legal services in connection with endangered species, environmental and other issues relating to Fairview Park.

8. REQUEST FOR AMENDMENT TO COUNCIL POLICY 100-8 CITY COUNCIL CONFERENCE, MEETING AND TRAINING EXPENDITURES – (02:44:04)

Executive Assistant Kelly Shelton provided the Staff Report on Council Policy 100-8. (02:44:37)

Discussion ensued on budgeted monies for Council travel. (02:46:08)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of Council Members travel being approved at a Council Meeting. (02:47:26)

Teresa Drain, Costa Mesa, spoke in support of Council Members travel being approved at a Council Meeting. (02:49:08)

Cindy B, Costa Mesa, spoke in support of Council Members travel being approved at a Council Meeting. (02:49:50)

Mayor Pro Tem Righeimer spoke on travel mileage; and recommended that travel must be within the United States. (02:51:25)

Council Member Foley spoke on the State Law that requires reporting out on conferences attended; and recommended that a staff report be prepared and agendaized for a Council Meeting to satisfy the requirements. (02:52:14)

MOVED/SECOND: Mayor Po Tem Righeimer/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, and Mayor Pro Tem Righeimer.

Nays: Mayor Mensinger

Absent: None

Abstain: None

Motion carried: 4-1

ACTION: City Council amended the Council Policy 100-8 pertaining to City Council conference, meeting and training expenditures that will include: travel must be within the United States; and an increase in annual budget from \$2,000 to \$4,000 for each Council Member to attend conferences.

9. PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE AND CONSIDERATION TO CANCEL THE CITY COUNCIL MEETING OF MAY 19, 2015 – (02:53:04)

Executive Assistant Kelly Shelton provided the Staff Report. (02:44:37)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on requiring City Council approval. (02:54:14)

Teresa Drain, Costa Mesa, requested detailed information on the conference. (02:54:59)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger.

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

No action was taken on No. 1 due to previous approval of Consent Calendar Item No. 8.

ACTION:

- ~~1. City Council provided formal approval, per Council Policy 100-8 for both Mayor Mensinger and Mayor Pro Tem Righeimer to attend the annual RECon – The Global Retail Real Estate Convention – International Conference of Shopping Centers (ICSC) in Las Vegas, Nevada on May 17-20, 2015, along with City staff; and~~
2. City Council approved canceling the May 19, 2015 City Council Meeting.

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT in Memory of Joel Moskowitz'.

The Mayor adjourned the meeting at 8:44 p.m.

Minutes adopted on this 21st day of April, 2015.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk